

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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IN RE DIET DRUGS  
(Phentermine/Fenfluramine/Dexfenfluramine)  
PRODUCTS LIABILITY LITIGATION

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)  
)  
) MDL NO. 1203  
)  
)

THIS DOCUMENT RELATES TO:

PEGGY MARTINEZ, *et al.*

)  
) Civil Action No: 2:02-cv-20135-HB  
)  
)

Plaintiffs,

v.

AMERICAN HOME PRODUCTS  
CORPORATION, *et al.*,

Defendants.

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**DIANE McLAUGHLIN AND ALZAY A. DUFRENE, JR.'S**

**MOTION FOR SUBSTITUTION**

Diane McLaughlin and Alzay A. Dufrene, Jr. file this motion for substitution of parties and show the following:

1. Intervenor Plaintiff Marian Dufrene passed away on April 16, 2001. Diane McLaughlin and Alzay A. Dufrene, Jr. are the daughter and son such as heirs of the estate of decedent Marian Dufrene. Diane McLaughlin and Alzay A. Dufrene, Jr. respectfully request that this Court substitute them as the intervenor plaintiffs on behalf of decedent Marian Dufrene.

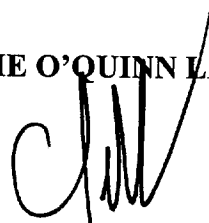
2. In the interests of justice, this Court should permit Diane McLaughlin and Alzay A. Dufrene, Jr. to substitute on behalf of the decedent. This case has been settled, and thus there is no prejudice to the defendants.

### CONCLUSION

Because Diane McLaughlin and Alzay A. Dufrene, Jr. are the daughter and son such as heirs of the estate of decedent Marian Dufrene, their motion for substitution should be granted.

Respectfully submitted,

**THE O'QUINN LAW FIRM**

A handwritten signature in black ink, appearing to read 'C. Gilbert', is written over a horizontal line.

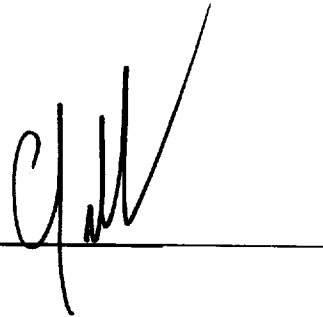
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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of Diane McLaughlin and Alzay A. Dufrene, Jr.'s Motion for Substitution has been filed electronically and is available for viewing and downloading from the ECF system. Service on all attorneys of record who do not receive notice by electronic mail from the ECF system was accomplished as set forth below on April 16th, 2008.

/s/  \_\_\_\_\_

Dated: April 16th, 2008

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**PRETRIAL ORDER NO. \_\_\_\_\_**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2008, it is hereby ORDERED and DECREED that Diane McLaughlin and Alzay A. Dufrene, Jr.'s Motion for Substitution is GRANTED. Intervenor Plaintiffs Diane McLaughlin and Alzay A. Dufrene, Jr. are substituted as the proper party plaintiffs for decedent Marian Dufrene.

BY THE COURT:

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Chief Judge Harvey Bartle, III